Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
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Delete Delete Delete	)	CG Docket No. 25-133
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Comments Notice of Inquiry by
Digital Liberty

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Digital Libert Comments in Delete Delete Delete

Digital Liberty appreciates this opportunity to suggest outdated rules for the Commission to delete with trebled ferocity. As the Commission considers individual suggestions for eliminating and simplification, it will no doubt leave room for future comment on individual rules, making this an opportunity to give a survey of an array of rules that could be eliminated. We therefore offer as comment a list of regulations to remove with brief explanations for why. We principally explore four categories: broadcast ownership limits, Cable Act rules, marketing rules, and reporting requirements.

World War II-Era Ownership Limits

It is no secret that local news is an endangered species. More than half of U.S. counties have one or fewer local newspapers, with papers closing last year at the rate of two and a half per week.

Local news remains more trusted than national outlets. According to a Pew Research report last year, 71% of Americans say that local news sources report accurately, 68% that they cover the most important stories, and 63% that they are transparent. Majorities of both political parties trust their local news media more than nationals. Local news is both more trusted than their national counterparts and essential for local civic engagement.

To combat this, the FCC could allow local media outlets to consolidate and better compete against digital and national news. Local broadcasters have ample competition and yet are treated as monopolists by rules originally written during World War II, when television hadn't yet reached the majority of American homes.

National syndicates are currently limited to no more than 39% market share nationally. Broadcasters are prohibited from owning more than two of the top four stations in a market.

All of this should have changed in 1996 when a revamped Communications Act was signed by President Clinton that subjected these now-ludicrous rules to a Federal Communications Commission review every four years to determine whether those rules remain "'necessary in the public interest as the result of competition.'"

This could have helped revitalize the industry in the last couple of decades, and even helped preserve small-town newspapers if the rule against broadcasters owning local papers had been relaxed. Allowing local news teams to consolidate papers, radio, and television stations, and allow syndicates with scale to acquire more of them, will free up capital in the broadcast marketplace and enable local papers and stations to survive and thrive in the future while industry competes with newer media.

The discount afforded to UHF channels should at the very least be raised to 78%, which will allow underused UHF channels to receive their own capital infusion from other owners in the local market.

Specifically, the Commission should:

- **Eliminate national ownership cap** of 39%.
- Failing that, at least **raise the UHF discount** to 78%.
- **Eliminate the Top Four Prohibition** for local broadcast markets.
- **Eliminate local radio ownership caps and subcaps** that prevent consolidation of news teams and resources between radio and television.

Cable Act Rules

Similarly, the Cable Act is a vestige of a different time when it was the first true competitor to broadcast. While it is not subject to the same type of absurd ownership rules (quite the opposite), the cable industry labors under its own set of antiquated rules and procedures.

- **Commercial Leased Access Rules** – The Commission could significantly curtail or streamline the reporting requirements commercial leased access.
- **Cable Rate Regulation Rules** – The Commission should eliminate the basic tier requirement and all associated requirements. This should include the requirement that consumers to purchase a basic tier to obtain other programming. Customers should be allowed to purchase what they please and cable companies should be able to sell what they want.
- **Cable Price Survey** – The Cable Price Survey is a waste of resources now that basic cable is an unregulated service. The purpose of the survey was to compare rates for regulated and unregulated cable service, so this is now irrelevant. The FCC should not have to publish a report on the average price of basic cable service. The price information is also a massive reporting burden and exposure risk for the cable industry.
- **Franchise Transfers** – Too many parties are already required to review and approve the transfer of franchise ownership, but the most absurd is the local review by municipal or county government. The Commission should streamline the ability of state and local authorities to rule on franchise transfers.

Marketing Rules

The Commission should repeal the recent rulemaking Targeting and Eliminating Unlawful Text Messages, which makes it harder for small businesses to find customers via text message. Several industries rely on text message lead generation to find the customers, especially real estate, insurance, and deposit banks.

Lead generation creates more than $200 million in value for the US economy annually. It is essential for a wide variety of businesses, especially small businesses, who rely on the nearly 1,900 leads generated each month to reach new customers. While consumers already must provide active consent to receive calls from sellers, this consent may be sold to different vendors on a secondary market.

Rather than crush this important sector, the Commission should eliminate this rule and allow the market to register that a consumer is looking for something and signal all available vendors that someone might want their services.

The Commission should also reverse the changes adopted in the 2022 order on revenue sharing and exclusive marketing agreement disclosures.

Reporting Requirements

The rest of the rules we would prioritize eliminating would be outdated labeling and reporting requirements on the broadband industry, both fiber and wireless carriers. These include:

- **Broadband Labels –** The Commission should initiate a proceeding with an eye towards removing needlessly burdensome requirements and promoting increased flexibility in complying with statute. This includes removing point of sale disclosure, machine readability, multiple language requirements, and displaying local and state fees and taxes. Business offerings should also be exempt from broadband labels since they use bespoke systems with known capabilities.
- **Data Breaches –** To protect consumer privacy, the Commission should eliminate notification, recordkeeping and reporting requirements related to data breaches that involve personally identifiable information.
- **Outage Reporting –** The Commission should accelerate outage reporting by eliminating the requirement that wireline and interconnected VoIP providers provide notification to 911/988 providers of a network outage within 30 minutes and maintain special diligence to maintain 911/988 facility contact information. Outage reporting thresholds should also be modernized and raised to a loss of communications to PSAPs potentially affecting at least 2,000,000 user minutes and lasting at least 60 minutes for 911 and a loss of the 988 Suicide and Crisis Lifeline’s ability to receive, process or forward calls, potentially affecting 2,000,000 user minutes and lasting at least 60 minutes in duration for 988.
- **All-in Pricing –** The Commission should Eliminate rules applying to advertising and promotions and the application of the rules to business customers. Business customers are able to determine their bespoke needs without a federal regulation’s help.
- **SIM Card Port-out Fraud Order –** The Commission should change recordkeeping mandate requiring carriers to track substantial data on SIM changes. This is unnecessary to retain and threat to user’s privacy.

Rulemakings to abandon

In addition to the longstanding rules and burdensome reporting requirements, the Commission should shutter the current rulemakings listed below:

- **Broadband Data Caps NOI -** Close proceeding 24-106. The broadband industry does not need price controls to deliver affordable service.
- **Customer Service NOI** – Close proceeding.24-472. The market can bear competing customer service models, which will give them better incentive to improve than a checklist of requirements written by a federal regulator.
- **CALEA/Network Security NPRM –** Close proceeding 25-9.
- **Handset Unlocking NPRM –** Close proceeding 24-77.
- **Multilingual EAS NPRM –** Close proceeding 24-23.
- **Remaining Proposals from Alerting Paradigm NPRM –** Close PS Docket 15-94 & 15-91.
- **Submarine Cable NPRM –** Close proceeding 24-119.
- **Telephone Customer Protection Act –** Close proceeding 23-49.

Digital Liberty appreciates the opportunity to weigh in on these issues and contribute to a historic effort to deregulate the market and allow competition to flourish to the benefit of consumers. We look forward to participating in rulemakings to simplify and repeal the rules we have mentioned above.